



# Planning Scheme Amendment Request

150 Cambridge Road, Kilsyth

Yarra Ranges Planning Scheme

Application on behalf of Department of Finance and Treasury

Date of report: May 2019





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## 1. Introduction

This planning report has been prepared on behalf of the Department of Treasury and Finance (DTF) and accompanies an application for an amendment to the Yarra Ranges Planning Scheme (the Planning Scheme).

All Government Departments have an obligation to regularly review their land assets in accordance with the *Victorian Government Landholding Policy and Guidelines* to ensure efficient management of public assets and that assets meets its present and future requirements.

The Department of Education and Training (DET) is the owner of the land at 150 Cambridge Road, Kilsyth which is identified in red on the map below. The land is the former site of the Yarra Hills Secondary College. Following a merger with two other schools and a modernisation project in 2012 and 2013, the Cambridge Road campus of the school became surplus.

As a government department, the Department of Education has obligations under the *Victorian Government Landholding Policy and Guidelines* (Department of Treasury and Finance, 2015) to not retain land where it does not (inter-alia) '*contribute directly to current or future service delivery outcomes expected of agencies*'. DTF is managing the rezoning and sale of the site on behalf of DET.

The *Government Land Transaction Policy and Guidelines 2016* require that, prior to the sale of the land, an appropriate zone must be put in place to achieve the highest and best use of the land and to facilitate its sale.

150 Cambridge Road, Kilsyth is not required to be retained for future education provision. During the First Right of Refusal from 29 May 2017 to 28 July 2017, no agency expressed an interest in acquiring the site.

The southern part 150 Cambridge Road, Kilsyth features a sports oval which has been fenced and is leased to the Yarra Ranges Council for 20 years from 2016. There is a walking track along the eastern section of the site, which links through the property to adjoining Council reserve to the south. Therefore, DET is not proposing to rezone or sell the southern part of 150 Cambridge Road, Kilsyth.

DET is seeking to rezone and sell the remaining northern part of 150 Cambridge Road, Kilsyth ('the subject site'). The subject site is 3.5 hectares and located in a Public Use Zone 2 (Education). For the reasons outlined in the report to follow, the Neighbourhood Residential Zone – Schedule 1 (NRZ1) represents the most appropriate zoning for the site. A Significant Landscape Overlay – Schedule 23 (SLO23) and Development Plan Overlay – Schedule 10 (DPO10) is also proposed.



Figure 1, below shows: 150 Cambridge Road, Kilsyth; and the area lease to Yarra Ranges Council and the subject site.



Figure 1 Aerial Map 150 Cambridge Road, Kilsyth (show in blue outline)  
 The area leased to Yarra Ranges Council (shown in green fill)  
 The subject site (shown in red outline)  
 (Source: [www.nearap.com.au](http://www.nearap.com.au))

## 2. The Subject Site and Surrounds

The subject site is formally identified as Crown Allotment 2171. It covers 3.5 hectares. The site has a frontage to Cambridge Road of 223 metres and a depth of 301 metres along the western boundary, and 135 metres along the eastern boundary.

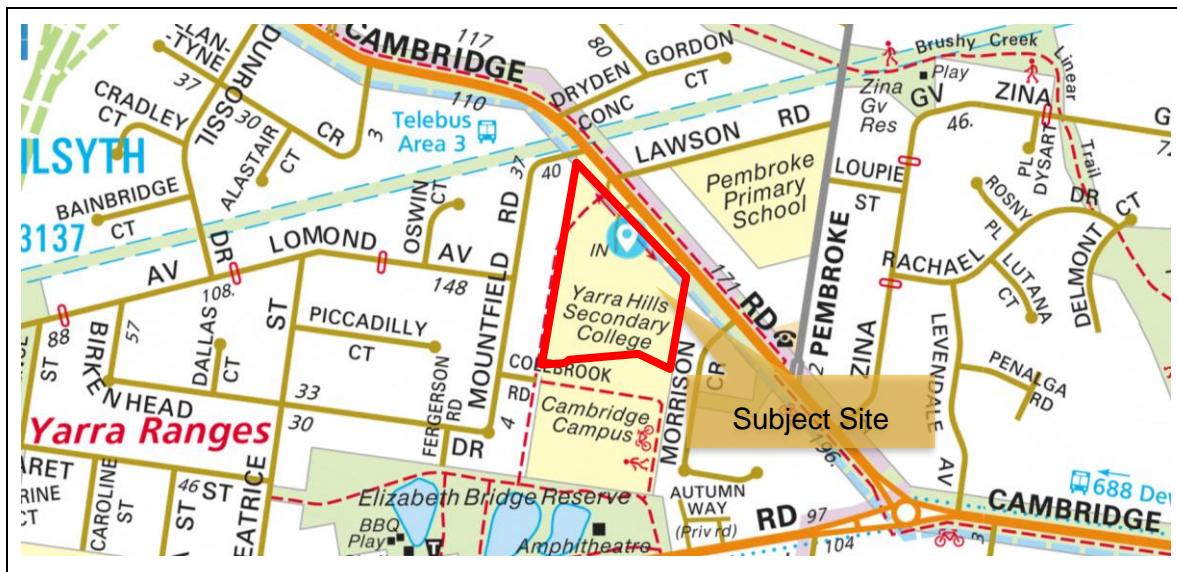


Figure 2 Location Map (Source: [www.melway.com.au](http://www.melway.com.au))

The subject site was formerly used as a campus of the Yarra Hills Secondary College. The former school buildings have been demolished, but parts of the asphalt driveway and basketball courts remain. There are scattered trees across the site.

The site is located in a residential area, which is characterised by single storey detached dwellings. Dwellings are typically situated within cultivated garden settings often with a treed road reserve. Surrounding residential properties are generally approximately 850 square metres.

The subject site is not in area of cultural heritage sensitivity.

The land has previously been levelled to allow for the construction of the former school buildings and sports oval at the rear of the property. Generally, the site falls to the eastern boundary.



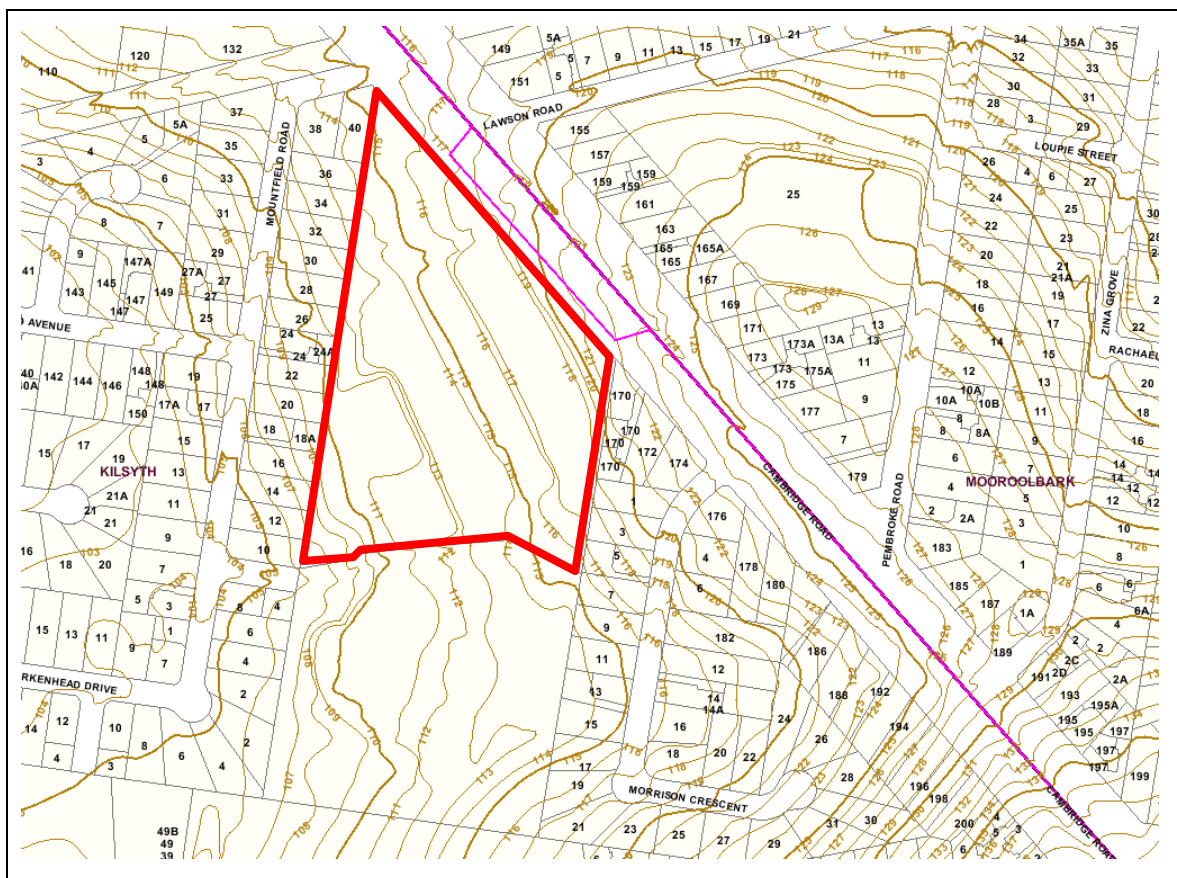


Figure 3 Contour Plan (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

The site's immediate abutments can be described as follows:

- **South** of the subject site is a sports oval which has been fenced and is leased to the Yarra Ranges Council for 20 years from 2016. There is a walking track which links the oval to the Elizabeth Bridge Reserve (further to the south).
- **North** of the subject site is Cambridge Road, which features a wide treed road reserve on each side. On the north side of Cambridge Road there is a row of single dwellings accessed via an informal service road. These properties are developed with detached residential dwellings, except for 165 and 159 Cambridge Road which have been developed with a second dwelling. Further north-east of the subject site is the Pembroke Primary School.
- **East** of the subject site are single dwellings, with the exception 170 Cambridge Road which has been developed with two additional dwellings. The other properties along the eastern boundary front Morrison Crescent.



- **West** of the subject site are single dwellings, with the exception of a dual occupancy at 24 and 18 Mountfield Road, and 4 Colebrook Road.

The subject site is approximately 1.5km (by foot through the reserve) or 1.7km (by car) north-east of the Kilsyth shops. The subject site is approximately 2.5 km south-east of the Mooroolbark Railway Station.



### 3. Current Planning Controls

#### Zone

The subject site is currently zoned Public Use Zone 2 (Education) PUZ2 pursuant to the Yarra Ranges Planning Scheme.

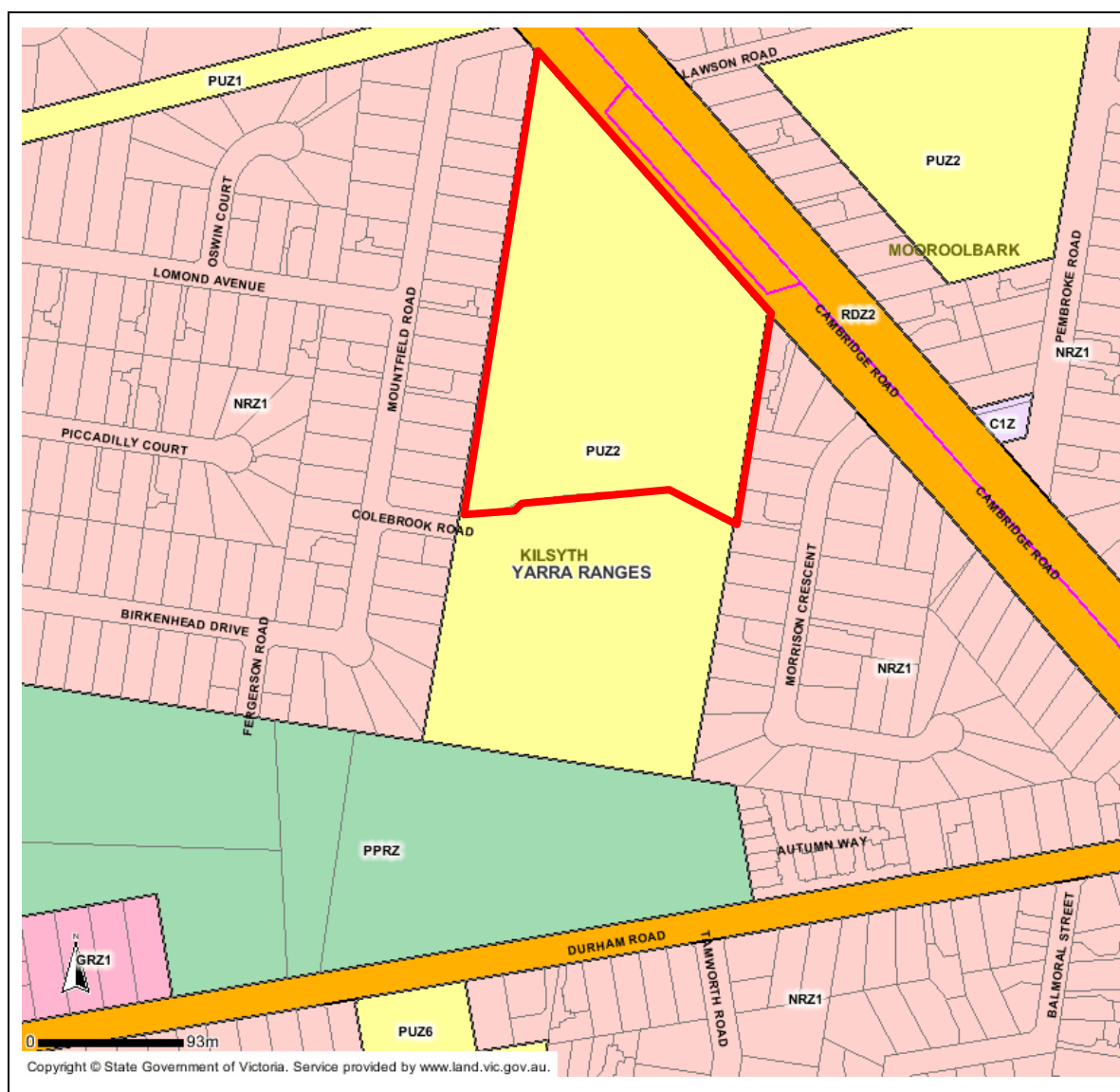


Figure 4 Zone Map (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

The purpose of the Public Use Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To recognise public land use for public utility and community services and facilities; and

- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Residential land adjoining the subject site is located in a Neighbourhood Residential Zone Schedule 1 (Incremental Residential Areas) NRZ1. The oval to the south is proposed to remain in PUZ2. Cambridge Road is located in a Road Zone Category 2.

Residential land to the south-west of the subject site located in the Kilsyth Neighbourhood Centre is located in the General Residential Zone – Schedule 1.

## Overlays

The subject site is not affected by any Overlays.

The surrounding residential areas are located in a Significant Landscape Overlay – Schedule 23 SLO23, which applies across the metropolitan residential areas of Yarra Ranges.

The Kilsyth Neighbourhood Centre is located in the Design and Development - Schedule 8, which applies to neighbourhood centres and rural township consolidation areas throughout the municipality.

The Brushy Creek and a drainage system are located to the south-west of the site in a Special Building Overlay.

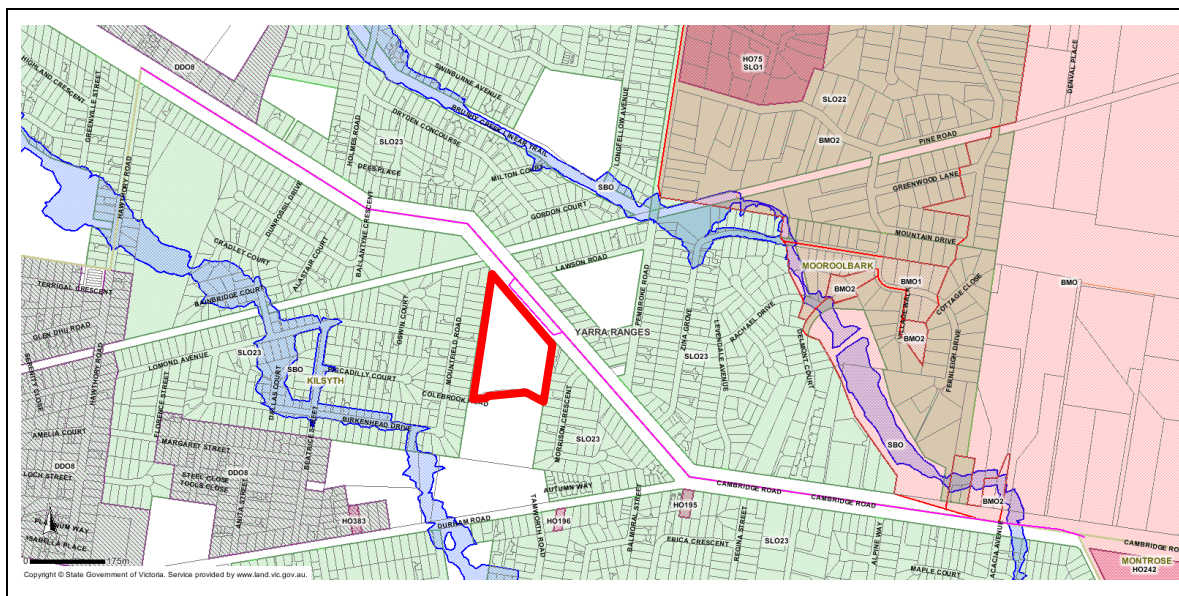


Figure 5 Overlay Map (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))



## 4. The Proposed Amendment

The application proposes to amend the Yarra Ranges Planning Scheme by rezoning the subject site to the NRZ1. The Amendment also seeks to apply SLO23 and a new site specific Development Plan Overlay – Schedule 10 (DPO10).

### Why is the Amendment required?

The site is surplus to government requirements. Under the requirements of the *Government Landholding Policy and Guidelines*, where land does not contribute to a current or future service requirement, the landholding agency must dispose of the land.

The *Government Land Transactions Policy and Guidelines* require that prior to the sale of the land, an appropriate zone and other planning provisions (as appropriate) must be put in place to enable the sale of the land.

The Amendment rezones the land from the Public Use Zone to reflect that it is not required for a public use. The Amendment proposes to rezone the land to a Neighbourhood Residential Zone – Schedule 1(NRZ) to recognise the land as being located in an Incremental Change Area.

The Amendment proposes to apply the Significant Landscape Overlay – Schedule 23 to assist in protecting areas of significant vegetation consistent with the planning controls that apply to the surrounding residential area.

The Amendment proposes to apply the Development Plan Overlay which is required to facilitate the development of the site and requires a development plan be prepared for the subject site prior to subdivision or development.

### Proposed Planning Scheme Changes

#### Zoning

The land is to be rezoned to facilitate its sale. It is proposed that the site be rezoned from the PUZ2 to NRZ1. The purpose of the NRZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To recognise areas of predominantly single and double storey residential development. To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics; and*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*



Under the NRZ, 'dwelling' is the most likely use and development, although other uses are also permissible both with and without a planning permit, including a medical centre, place of worship and a food and drink premises.

Within the NRZ1 the construction of one dwelling on a lot greater than 500sqm does not require a planning permit.

### Overlays

It is proposed apply SLO23 to the subject site. The purpose of the Significant Landscape Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To identify significant landscapes; and*
- *To conserve and enhance the character of significant landscapes.*

The Overlay recognises that the visual effect of large trees both native and exotic makes a significant contribution to the neighbourhood character of these areas.

Within SLO23 Kilsyth/ Mooroolbark is described as:

*Residential development in these suburbs has occurred over a 60 year period resulting in a sense of openness and well established gardens. The mature trees which occur widely in these areas link them to the treed backdrop of the Dandenongs Ranges.*

The landscape character objectives to be achieved under SLO23 are:

- *To recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills and the Yarra Valley;*
- *To ensure all development is sensitively designed and sited having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines;*
- *To retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas;*
- *To protect vegetation of significance, natural beauty, interest and importance; and*
- *To protect and preserve the riparian areas along waterways.*





The application of SLO23 will provide a consistent framework for the development of the subject site with the surrounding area. The Significant Landscape Overlay will provide protection to the special features of the subject site (substantial trees) and ensure consideration is given to the substantial trees across the subject site. A planning permit is also required for buildings and works within 10 metres from a designated stream or open Melbourne Water drain.

The Amendment proposes to apply DPO10 to the subject site. The size and location of the land means it is a strategic redevelopment site within the municipality. DPO10 will assist in achieving the desired development outcome and facilitate the development of the site, while providing some certainty about the future development and built form of the land.

The purpose of the Development Plan Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land; and*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

A new schedule to the Development Plan Overlay (Schedule 10 - Former Yarra Hills Secondary College) has been prepared to accompany this application. The objectives of DPO10 are:

- *To provide a range of housing types;*
- *To ensure that the design of new buildings provides an appropriate transition of scale and form to buildings on adjacent lots;*
- *To ensure street frontages and open space provide sufficient room for canopy trees and vegetation; and*
- *To promote sustainable development.*

The Development Plan Overlay provides a permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared, provided it does not prejudice the preparation and approval of the development plan and is consistent with the objectives of DPO10.

The Schedule has been prepared to require a construction management plan, landscape plan, traffic report and report detailing environmentally sustainable design techniques with any permit. The Schedule also establishes a number of requirements for the Development



Plan relating to the development plan generally, and future built form and access requirements. The key requirements of the Development Plan include:

- Any staging of the development;
- A range of housing types;
- Development sited and designed to retain existing trees where possible;
- Protection of the amenity of adjoining site by providing for a maximum two storey-built form immediately adjacent to or opposite any existing single or double storey residential development;
- Development abutting the service road orientated towards Cambridge Road;
- Garages and carports associated with new developments are not visually obtrusive when viewed from the front street and are located behind the line of the buildings; and
- Street frontages and open space provide sufficient room for the retention and planting of canopy trees.



## 5. Is the Proposed Amendment Appropriate?

State Government Policy and Guidelines require that the appropriate zoning of the subject site is established and put in place before the sale of surplus government land.

The site is located adjacent to an established residential area within the metropolitan area, connected to services and readily developable. The site presents a rare opportunity for redevelopment, because of its size and location in the metropolitan area. The subject site is not constrained by any Overlays and contains only scattered trees and a gradual slope. The proposed DPO10 will ensure new buildings provide an appropriate transition of scale and form to buildings on adjacent lots and sufficient room for canopy trees and vegetation.

The application of SLO23 will ensure the protection of landscape values.

Rezoning the subject site will allow it to be efficiently and effectively used and to become a part of the adjoining, existing residential community. A residential zone presents the most appropriate land use given the physical and policy context of the subject site. More specifically, in this case, the application of NRZ1 will allow for a type of development which will fit within these particular streetscapes. The rezoning will also allow the site to make a contribution to meet the local housing needs.

The policy consequences of the rezoning are considered further in Section 6.

### Proposed Zoning

The subject site is located in a metropolitan area. Clause 21.03-1 describes the metropolitan area as being well serviced by shopping centres, community facilities, public transport and employment opportunities. The policy also notes these metropolitan areas as being generally quite leafy with some areas of significant vegetation.

The 'Strategic Framework Plan' at Clause 21.04 of the Yarra Ranges Planning Scheme identifies the surrounding area as being located in an 'Incremental Change Area'. The policy recognises these areas will undergo some incremental development but predominately maintain a low density residential character. The policy at Clause 21.04 contains two objectives relevant to housing:

- *To guide residential development into sustainable locations which meet the needs of the community and that are not subject to physical and environmental constraints and*
- *To encourage a diversity of dwelling types to meet the needs of the population.*

The size of the subject site, location and unencumbered nature of the site presents a significant opportunity for redevelopment and rare opportunity to facilitate diverse housing types. DPO10 seeks a range of housing types and will ensure the protection of the amenity of adjoining land by providing a maximum of two storey built form adjacent to any existing

single or double storey residential development. The Development Plan Overlay has been prepared to incorporate the relevant design and built form guidelines contained in the Design and Development Overlay – Schedule 8, which applies to the Kilsyth Activity Centre. This includes:

- *To provide a range of housing types;*
- *To minimise the impact of driveways and parking areas; and*
- *To ensure street frontages and open space provide sufficient room for canopy trees.*

Figure 6, below provides the context of the proposed Neighbourhood Residential Zone.

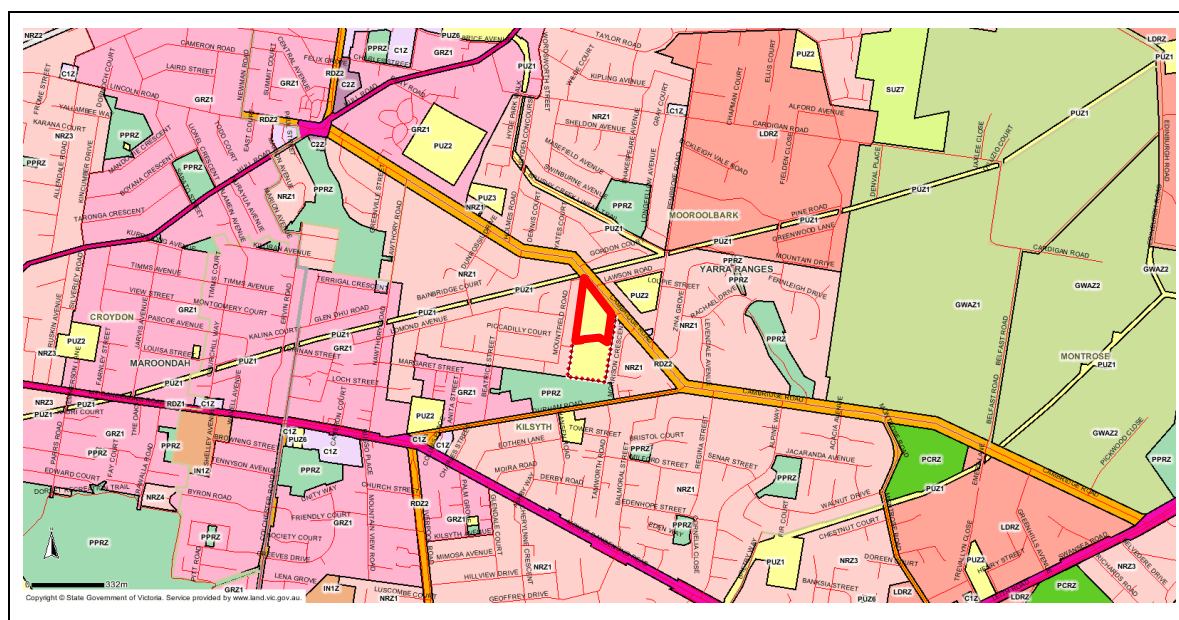


Figure 6 Zone Map (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

The application of the Neighbourhood Residential Zone is consistent with Clause 21.04-1 Residential which seeks to apply the Neighbourhood Residential Zone to areas identified for incremental change to recognize that the area will undergo some incremental development but predominately maintain a low density residential character.

The application of the Neighbourhood Residential Zone is consistent with the Practitioner's Guide which states the Neighbourhood Residential Zone is generally applied to areas where single dwellings prevail and minimal change is proposed, such as areas with landscape significance. The purposes of Neighbourhood Residential Zone requires that new development respects the identified neighbourhood character.

The Neighbourhood Residential Zone seeks to facilitate residential land use and development. The use of land for a dwelling is a Section 1 (Permit not required) use. Educational, recreational, religious, community and other non-residential uses that serve





local community needs can also be established, subject to a permit, in some circumstances.

The Neighbourhood Residential Zone would allow one dwelling to be constructed on a lot without the need for a planning permit. Subdivision and development incorporating more than one dwelling on a lot under the Neighbourhood Residential Zone would require a planning permit and would be subject to the range of policies and controls that apply including the Significant Landscape Overlay and Development Plan Overlay. These policies and controls require that new development respects the area's character and responds to the features of the site and surrounding area. The strategic redevelopment of the site will ensure the site develop its own residential character internally. The DPO10 will ensure the adjoining existing neighbourhood character is not compromised.

There are four schedules to the Neighbourhood Residential Zone applied to land within Yarra Ranges:

- Neighbourhood Residential Zone – Schedule 1 'Incremental Residential Areas: Mooroolbark, Chirnside Park, Kilsyth and Lilydale'.
- Neighbourhood Residential Zone – Schedule 2 'Rural and Foothills Incremental Change Areas'.
- Neighbourhood Residential Zone – Schedule 3 'Least Change Areas Foothills and Rural Townships'.
- Neighbourhood Residential Zone – Schedule 4 'Cloverlea Estate (Former Chirnside Park Golf Course)'.

The application of the Neighbourhood Residential Zone – Schedule 1 is the most appropriate for the to the subject site.



## 6. Strategic Considerations

*Ministerial Direction No. 11 Strategic Assessment Guidelines* require a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Under *Planning Practice Note No. 46 (May 2017)*, the proposed amendment requires a full assessment against the Strategic Assessment Guidelines.

The full assessment is provided in this Section of the report.

### Why is an Amendment required?

The *Victorian Government Landholding Policy and Guidelines 2015* requires Victorian Government departments and agencies to review and manage their land assets on an on-going basis. Part of this assessment includes determining if land assets are required for a current and future service delivery need. Where land is no longer needed for a public purpose, this land must be declared surplus to requirements and disposed of, in accordance with the *Victorian Government Land Transactions Policy and Guidelines 2015*. Land owned by the Government is often zoned for public use to recognise the public purpose and ownership of the site. To facilitate disposal, the land must be rezoned to reflect an appropriate alternative zone.

The Amendment rezones the land from the Public Use Zone 2 to reflect that it is not required for educational purposes.

The Amendment proposes to rezone the land to NRZ1 recognising that this reflects the surrounding residential zoning.

The Amendment also proposes to apply SLO23 to assist in protecting areas of significant vegetation consistent with the planning controls that apply to the surrounding residential area. The Development Plan Overlay is required to assist in facilitating the development of the site and ensure development is compatible with the adjoining residential areas.

Overall, the proposed planning scheme amendment will result in an appropriate and orderly planning outcome that facilitates a more efficient use of the land.

### Does the Amendment implement the objectives of planning and address any environmental, social and economic effects?

The amendment implements the objectives for planning in Victoria, set out at section 4 of the *Planning and Environment Act 1987*. In particular, the amendment implements the following objectives:

- *To provide for the fair, orderly, economic and sustainable use, and development of land;*



- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity; and*
- *To balance the present and future interests of all Victorians.*

The Amendment responds to these objectives by providing opportunities for infill development in a well serviced residential area and protecting significant vegetation. The Amendment will create appropriately residential zoned land for future development within an established residential area.

### **Environmental Effects**

The Amendment will have a positive environmental effect by applying SLO23 which will protect significant trees. The Development Plan will require the consideration of the significant trees as part of the design response and a landscape plan be will beneficial to the development of the subject site.

Site contamination issues have been assessed and a Certificate of Environmental Audit have been issued.

### **Social and Economic Effects**

The Amendment supports the provision of housing growth and offers an opportunity for housing diversity within the metropolitan area. The Amendment facilitates economic development by encouraging the renewal of surplus land to provide new residential development opportunities. The funds realised through the sale of government land will be reinvested into new infrastructure and services across Victoria.

### **Does the Amendment address relevant bushfire risk?**

The subject site is not within a Bushfire Management Overlay or bushfire prone area.

The Amendment will not result in any significant change to the pattern of land use and development in that in the surrounding area. The Amendment supports the policy of Clause 13.02 Bushfire risk by encouraging development to low risk locations, which have convenient and safe access.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?**

This amendment is consistent with the **Ministerial Direction on the Form and Content of Planning Schemes** under Section 7(5) of the Act.



**Ministerial Direction No. 1 – Potentially Contaminated Land** seeks to ensure that land is only rezoned to facilitate sensitive land uses, agriculture or public open space where a planning authority can be satisfied that the environmental conditions of the land are or will be suitable for that use. 'Potentially contaminated land' is defined as land used or known to have been used for industry, mining or storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). A sensitive use is identified as a residential use, a child care centre, a pre-school or a primary school.

An Environmental Audit Certificate has been issued for the site.

**Ministerial Direction No. 9 – Metropolitan Planning Strategy** seeks to ensure that planning scheme amendments have regard to Plan Melbourne: Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure, 2014).

The Amendment is consistent with Policy 2.1.1 to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city, as it is being built within the existing Urban Growth Boundary.

The Amendment is consistent with Policy 2.1.2 which seeks to facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. The Amendment will provide land for residential development within 20-minute walk of existing services, jobs and public transport.

The Amendment recognises Policy 5.2.1 to improve neighbourhoods to enable walking and cycling as a part of daily life by including requirements for pedestrian connections to the adjoining reserve and street network through the Development Plan Overlay.

**Ministerial Direction No. 11 – Strategic Assessment of Amendments** seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this section of this report.

The amendment is consistent with **Minister's Direction 17 – Localised Planning Statement**, requiring consistency with the adopted Yarra Ranges Localised Planning Statement.

The amendment is consistent with 6.1 Settlement policies for Settlement and Urban Form, and for Residential Areas. It provides for additional residential development within the Urban Growth Boundary.

The amendment is consistent with 6.2 Environment: Vegetation and Habitat Policies, Waterway Policies, and Landscape Policies. It seeks to recognise and retains existing





native vegetation, by applying the Significant Landscape Overlay – Schedule 23 and Development Plan Overlay – Schedule 10.

**Ministerial Direction No. 19 – Amendments that may significantly impact the Environment, Amenity and Human Health** requires planning authorities to seek the views of Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. This Direction also sets out the information required of planning authorities by the Minister in respect of planning scheme amendments that could result in significant impacts on the environment, amenity, and human health due to pollution and waste.

The proposal was referred to the EPA who have advised a Certificate of Environmental Audit has been issued. There are no restrictions on the site due to environmental condition. The EPA is satisfied the proposed use is suitable.

### **Does the Amendment support or implement the Planning Policy Framework and any adopted State Policy?**

The elements of the Planning Policy Framework that are most relevant to the Planning Scheme Amendment include:

- Clause 11.01-1R1 - Settlement – Metropolitan Melbourne;
- Clause 11.03-5 Distinctive areas and landscapes;
- Clause 15.02-1 S Sustainable development;
- Clause 18.01-1S – Land use and transport planning; and
- Clause 71.02 – Operation of the State Planning Policy Framework.

**Clause 11.01-1R1 ‘Settlement – Metropolitan Melbourne’** provides that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities. Promote and capitalise on opportunities for urban renewal and infill redevelopment.

The subject site presents a rare opportunity for redevelopment, because of its size of 6.5 hectares and location in the metropolitan area. The site is located adjoining an established



residential area, where there are numerous facilities available. The subject site will be accessible via a 20-minute walk, cycle or public transport ride to most everyday services.

**Clause 11.03-5 'Distinctive areas and landscapes'** seeks to protect and enhance the valued attributes of identified distinctive areas and landscapes. This clause requires consideration of the 'Yarra Ranges Localised Planning Statement (Victorian Government, 2017)' as relevant.

The proposal is consistent with the Settlement and Urban Form Policies contained in the 'Yarra Ranges Localised Planning Statement' as it seeks to:

- Contain urban development to land within the Urban Growth Boundary to ensure urban land is utilised efficiently and non urban land is protected for rural activities consistent with existing policy in the Regional Strategy Plan.
- Provide for additional development to support increased densities on land within the Urban Growth Boundary, appropriate to the role of the town or suburb.
- Provide for and support a diversity of housing and specialised accommodation across Yarra Ranges' activity centres, urban areas and towns to meet the needs of the community.

**Clause 15.02 'Sustainable development'** seeks to promote consolidation of urban development and the integration of land use and transport.

The proposed Development Plan Overlay will assist in facilitating sustainable residential development by requiring a report detailing Environmentally Sustainable Design techniques which will be incorporated into the development.

**Clause 18.01-1S – Land use and transport planning** supports urban development which is accessible to jobs and services.

The proposed amendment allows housing to be integrated within an existing community where it can take advantage of existing transport and road facilities. The subject site is approximately 1.5 kilometres from the Kilsyth commercial area and 2.5 kilometres south-east of the Mooroolbark Railway Station.

**Clause 71.02 'Operation of the Planning Policy Framework'** seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The proposal supports this goal by applying the most appropriate zone to the subject site and will deliver a net community benefit by fostering residential development in an area designated for such land uses in order to support the local economy.



The subject site is located in a Township Policy Area under the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan. The proposed Amendment to rezone the land to a Neighbourhood Residential Zone is consistent with the Township Policy Area. The application of the Significant Landscape Overlay will provide the required protection of significant trees consistent with the requirements of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

### **Does the Amendment support or implement the Local Planning Policy Framework (LPPF)?**

The amendment is consistent with the following clauses of the Local Planning Policy Framework:

- Clause 21.04 Land Use;
- Clause 21.05 Settlement;
- Clause 21.06 Built Form; and
- Clause 21.07 Landscape.

The amendment responds to these clauses by allowing new infill development within an established residential area while balancing the landscape considerations and respecting the amenity of adjoining residential properties.

**Clause 21.04 Land Use** Objective 1 – Housing Location Consolidated Residential Development seeks to guide residential development into sustainable locations which meet the needs of the community and that are not subject to physical or environmental constraint.

Objective 2 – Housing Diversity seeks to encourage a diversity of dwelling types to meet the needs of the population. This policy seeks to provide opportunities for increased densities on aggregated lots within consolidation areas that have walkable access to shops, public transport and community facilities.

The Amendment will assist in the implementation of the policy by providing infill development, on a partially vacant underutilized site in a sustainable location.

**Clause 21.05 Settlement** Objective 1 – Sustainable Towns seeks to establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.

The Amendment will assist in the implementation of the policy to support the consolidation of townships.



**Clause 21.06 Built Form** Objective 1 – Siting and design seeks to promote proper siting and good design in the construction of all buildings and in the carrying out of works.

The application of the Development Plan Overlay will assist in providing a built form which responds appropriately to the adjoining residential properties.

**Clause 21.07 Landscape** Objective 1 – Scenic Landscapes seeks to retain and protect scenic landscapes, rural and green wedge character and special environmental features of the Shire.

The amendment will provide for the ongoing protection of the landscape through the application of the Significant Landscape Overlay – Schedule 23 and the landscaping requirements contained in the Development Plan Overlay.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

To comply with government policy, surplus land must not be sold with a public land zoning. The Amendment has considered applying appropriate planning provisions that best reflects how the site will be used and developed in the future.

The Amendment recognises that a Public Use Zone 2 cannot continue to apply to the land, as the land is no longer required for Education purposes.

The Neighbourhood Residential Zone provides for residential development that respects neighbourhood character of the area.

The Amendment makes proper use of the Victoria Planning Provisions. The Neighbourhood Residential Zone will allow the development of the land. The Significant Landscape Overlay will protect significant trees and the Development Plan Overlay will provide direction for the future development of the site.

### **How does the Amendment address the views of relevant agencies?**

The views of relevant agencies can be considered as part of any exhibition process.

### **Does the Amendment address the requirements of the Transport Integration Act 2010?**

The amendment meets the requirements of the *Transport Integration Act 2010*.

The amendment is not envisaged to have a significant effect on the transport system.

### **What impact will the new Amendment have on the resource administrative costs of the responsible authority?**

The proposed amendment is not considered to have any significant impact on the resource and administrative costs of the responsible authority.





## 7. Conclusion

The proposed planning scheme amendment is appropriate for the following reasons:

- The proposed zoning and overlays will facilitate efficient and appropriate use of the surplus land, which is located within an established residential area;
- The proposed zoning and overlays are also appropriate to the land that is within the area leased to Council;
- The proposed zoning and overlays will result in an appropriate and orderly planning outcome and is, supported by the relevant policies contained in the Planning Policy Framework that seeks to facilitate development of an underutilised asset in an area within an established urban area; and
- It will create an opportunity to contribute to the local housing demand, in a manner which protects the landscape character of the area and amenity of existing residents.

On the basis of these reasons, the Amendment should be supported.

**GLOSSOP TOWN PLANNING PTY LTD**

**May 2019**